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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 FEDERAL NATIONAL MORTGAGE
14 ASSOCIATION,

15 Plaintiff,

16 vs.

17 MANZANITA HOMEOWNERS'
18 ASSOCIATION,

19 Defendant.

Case No.: 2:18-cv-00983-RFB-NJK

**STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING EXISTENCE
AND VALIDITY OF DEED OF TRUST**

20 Plaintiff FEDERAL NATIONAL MORTGAGE ASSOCIATION ("Fannie Mae") and
21 Defendant MANZANITA HOMEOWNERS' ASSOCIATION ("HOA"), through their counsel of
22 record, stipulate as follows:

23 1. This matter relates to real property located 4730 E. Craig Road, Unit 1079, Las Vegas,
24 Nevada 89115, APN: 140-05-510-157 (the "Property"). The Property is more specifically described
25 as:

26 Parcel I:

27 An undivided 1/409th fractional interest in the Common Elements as defined in
28 Article VIII, Section 8.1 (a) of the Amended and Restated Declaration of Covenants,
Conditions and Restrictions and Reservations of Easements for Manzanita, recorded
on May 9, 2005 in Book 20050509 as Document No. 1459 and recorded June 27,
2005 in Book 20050627 as Document No. 3904, and recorded July 8, 2005 in Book
20050708 as Document No. 2971 and recorded on August 3, 2005 in Book 20050803
as Document No. 2976 of Official Records, Clark County, Nevada, and as shown on
the map of Craig Road Villas on file in Book 95 of Plats, Page 54 of Official Records,
Clark County, Nevada.

1 Excepting therefrom, all Unites, Limited Common Elements not appurtenant to the
2 Unit as shown on the Condominium Plat referred to above.

3 Parcel II:

4 Living Unit 1079, in Building 14, of Craid Road Villas on file in Book 95 of Plats,
5 Page 54 of Official Records, Clark County, Nevada.

6 Parcel III:

7 A non-exclusive easement for access, ingress, egress, use and enjoyment of, in and to
8 the Common Elements, only as to those portions of the Common Elements which lay
9 in the unenclosed portion of Units as defined in Article X, Section 10.4 of the
10 Amended and Restated Declaration of Covenants, Conditions and Restrictions and
11 Reservations of Easements for Manzanita, recorded on May 9, 2005 in Book
12 20050509 as Document No. 1459 and recorded June 27, 2005 in Book 20050627 as
Document No. 3904, and recorded July 8, 2005 in Book 20050708 as Document No.
2971 and recorded on August 3, 2005 in Book 20050803 as Document No. 2976 of
Official Records, Clark County, Nevada.

13 2. Fannie Mae is the beneficiary of record of a Deed of Trust that encumbers the Property
14 and was recorded on April 1, 2006, as Instrument Number 20050418-0004464, in the Official
15 Records of Clark County, Nevada (the "Deed of Trust").

16 3. On May 29, 2014, the HOA recorded a Foreclosure Deed as Instrument
17 Number 20140529-0000194 of the Official Records of Clark County, Nevada (the "HOA Foreclosure
18 Deed"), reflecting that the HOA purchased the Property at its foreclosure sale of the Property
19 conducted on April 17, 2014 (the "HOA Sale").

20 4. The HOA has not transferred his interest in the Property and is still the title holder of
21 record.

22 5. On May 30, 2018, Fannie Mae initiated a lawsuit against the HOA in the United States
23 District Court, District of Nevada, Case No. 2:18-cv-00983-RFB-NJK, to obtain a judicial declaration
24 of quiet title to the Property.

25 6. Fannie Mae and the HOA have entered a settlement agreement in which they have
26 settled all claims between them in this case. This Stipulation and Order applies to the matters
27 addressed in the Quiet Title Action only and has no relevance to any other matter.

28 7. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale.
The Deed of Trust remains a valid encumbrance against the Property following the recording of the

HOA Foreclosure Deed and Deed of Sale, and the HOA's interest in the Property is subject to the Deed of Trust.

DATED this 22nd day of August, 2019.

DATED this 22nd day of August, 2019.

WRIGHT FINLAY & ZAK, LLP

THE CLARKSON LAW GROUP, P.C.

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/s/ Matthew J. McAlonis, Esq.

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National Mortgage Association

Homeowners' Association

ORDER

Based on the above stipulation between Fannie Mae and the HOA, the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located at 4730 E. Craig Road, Unit 1079, Las Vegas, Nevada 89115, APN: 140-05-510-157 (the "Property") on April 18, 2006, as Instrument Number 20060418-0004464, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted by the HOA on April 17, 2014, or the recording of the Foreclosure Deed in the Official Records of Clark County, Nevada, on May 29, 2014, recorded by the HOA as Instrument Number 20140529-0000194, reflecting that the HOA purchased the Property at the foreclosure sale.

IT IS FURTHER ORDERED that Fannie Mae shall be entitled to record this STIPULATION AND ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this Order constitutes the final judgment of this Court, resolving all claims in this case, with prejudice, each party to bear its own fees and costs.

DATED August 26, 2019., 2019.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE